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RANKING MEMBER
COMMITTEE ON
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JOINT COMMITTEE ON TAXATION

April 22, 2021

Elon Musk
CEO, Tesla Motors

Dear Mr. Musk:

I write today about the tragic deaths of Dr. William Varner and Everett Talbot, two members of my community in The Woodlands, Texas who lost their lives driving the Tesla Model S.

As local and federal authorities investigate the cause of the crash and efforts to extinguish the wreckage that cost innocent lives, I urge Tesla's complete and full cooperation with investigators, including granting access to all data logs from the crash to those investigators. I also urge Tesla to cooperate fully with the National Highway Traffic Safety Administration (NHTSA), the National Transportation Safety Board, and Congress as we all seek answers related to your electric vehicles marketed as having an "Autopilot" system.

To be clear, I support the progress and development of innovation that advances the future of safe autonomous and semi-autonomous vehicles. But my constituents and the community deserve answers.

On the evening of Friday, April 16, 2021, Dr. Varner and Mr. Talbot were driving the Tesla Model S in a residential neighborhood when the car drove off the road at high-speed, subsequently crashing into a tree and burning the victims to death. An educated medical leader and a trained engineer, these men were proven fatally wrong in trusting the safety of their Tesla.

My understanding is that family and neighbors witnessed the gruesome death of their loved ones and watched helplessly while the fire burned for four hours. According to emergency responders on the scene, the battery repeatedly reignited itself, consuming the vehicle in flames that required more than 30,000 gallons of water to fully extinguish.

The suffering that the victims and their families endured is cruel and horrific.

According to reports, Texas police are in the process of serving a search warrant to Tesla Motors, which I strongly support, to secure data in regards to the "Autopilot" system being engaged.^[1]

^[1] Shepardson, D., Jin, H. (2021, April 19). Texas police to demand Tesla crash data as Musk denies Autopilot use. Reuters. <https://www.reuters.com/business/autos-transportation/us-probes-fatal-tesla-crash-believed-be-driverless-2021-04-19/>

Surely we agree that lawmakers and their constituents should know all the risks involved when turning on Tesla's "Autopilot" capabilities. As it currently stands, some experts believe that references to vehicles as having "Autopilot" capabilities may illicit assumptions that these vehicles exceed the capabilities of their own technology.

As Tesla Motors continues to innovate and improve the "Autopilot" system I urge your leadership in state-of-the-art transparency to drivers and potential buyers, and in providing timely answers to the following questions.

1. According to reports, first responders and local authorities confirmed that no one was in the driver's seat of the vehicle at the time of the crash.^[2]
 - a. Assuming "Autopilot" was not enabled, was the car able to detect whether someone was in the driver's seat? Why or why not?
 - b. Assuming "Autopilot" was not enabled, was the car able to accelerate without someone at the driver's seat? Why or why not?
 - c. What safety features were operating at the time of the crash to prevent catastrophic failure?
2. According to reports, you tweeted publicly on April 19, 2021 that data logs from the crash show "Autopilot" was not enabled and the car did not have Full Self Driving.^[3]
 - a. Was "Autopilot" enabled at any moment between the time the vehicle was powered on the evening of April 16th to the time of the crash?
 - b. What other driver assistance features, if any, were enabled?
3. According to an April 19, 2021 Yahoo Finance article titled *It's time to notice Tesla's Autopilot death toll*, there have been at least 11 deaths in 9 crashes in the United States involving "Autopilot." Based on Tesla's data logs, what was the cause of these crashes?
4. Tesla releases quarterly accident reports but does not disclose the details of each incident.
 - a. Based on Tesla's quarterly accident reports, what is the most common cause of accidents?
 - b. Is user error or misuse of "Autopilot" cited as the cause of any of these incidents? If so, how many?
5. According to Tesla's Q1 2021 safety report, which you highlighted following the crash, Tesla has a lower incidence of accidents compared to other vehicles when "Autopilot" is activated.^[4]
 - a. How many accidents have occurred while "Autopilot" is enabled?
 - b. How does Tesla classify such crashes?

^[2] Beley, D. (2021, April 20). Two federal agencies join probe of fiery fatal Tesla crash in Spring. Houston Chronicle. https://www.houstonchronicle.com/news/houston-texas/transportation/article/Two-federal-agencies-join-probe-of-fiery-fatal-16113076.php?sid=5bd0a0dd3f92a412450dcb47&utm_source=newsletter&utm_medium=email&utm_content=news_a&utm_campaign=HC_MorningReport16113076.php?sid=5bd0a0dd3f92a412450dcb47&utm_source=newsletter&utm_medium=email&utm_content=news_a&utm_campaign=HC_MorningReport

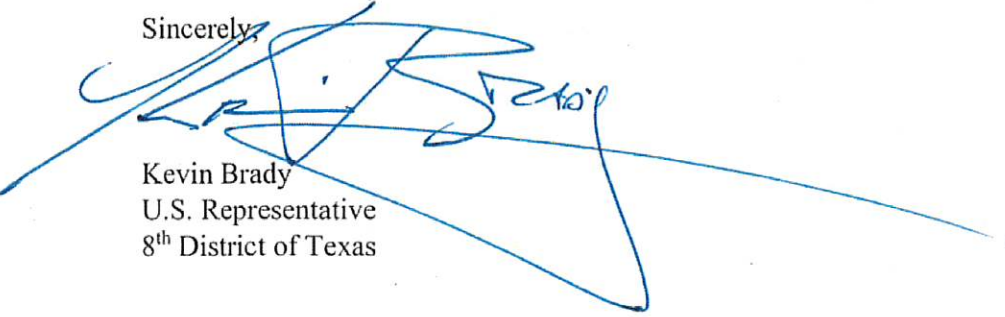
^[3] Kolodny, L. (2021, April 19). Elon Musk says Autopilot was not enabled in Tesla crash in Texas. CNBC. <https://www.cnbc.com/2021/04/19/elon-musk-autopilot-not-used-in-texas-tesla-crash.html>

^[4] Tesla. (n.d.). Tesla Vehicle Safety Report. https://www.tesla.com/en_CA/VehicleSafetyReport

6. Currently, the NHTSA is investigating 23 crashes involving Tesla vehicles that were using or may have been using "Autopilot." Based on Tesla data logs, was "Autopilot" enabled in all these crashes currently being investigated by the NHTSA?
7. Tesla's website says Autopilot requires "active driver supervision," but the company stresses that its cars have the technology to be fully autonomous or full self-driving.
 - a. Does "Autopilot" require "active driver supervision," and if so, what does "active driver supervision" entail?
 - b. Do you advertise any of the qualifications of "active driver supervision" on your website or in the vehicles' owner manual?
 - c. Assuming "Autopilot" is enabled, what safeguards are in place if "active driver supervision" does not occur?
 - d. Is the vehicle in question fully autonomous or capable of full self-driving?
 - e. Are any of the current Tesla model vehicles being sold to consumers fully autonomous or capable of full self-driving?
8. In 2017, the NTSB recommended that Tesla and five other automakers working on advanced driver assistance systems add safeguards that make it harder to misuse those systems. The board also recommended that automakers should place limits on where and when systems like "Autopilot" can be used. Five automakers, not including Tesla, officially responded to the recommendations within the 90-day window that the safety board prescribes, and the NTSB officially flagged those responses as acceptable.
 - a. What safeguards has Tesla added to the "Autopilot" system?
 - b. What limits has Tesla placed on where and when "Autopilot" can be used?
9. In 2020, the NTSB warned that lithium-ion batteries, such as those used in the Tesla Model S, pose a significant safety risk.^[5] What has Tesla done to address the safety risks lithium-ion batteries pose to passengers and first responders with their electric vehicles?

Given the growing number of accidents involving Tesla's "Autopilot" system, the heightened safety risks associated with lithium-ion batteries and Tesla Motors long-stated commitment to personal and driving safety, I urge a prompt response to the questions above.

Sincerely,



Kevin Brady
U.S. Representative
8th District of Texas

^[5] Sumwalt, R. L. et al. (Nov. 15, 2020). Safety Risks to Emergency Responders from Lithium-Ion Battery Fires in Electric Vehicles. National Transportation Safety Board. <https://www.nts.gov/safety/safety-studies/Documents/SR2001.pdf>.